

By: Driver

H.B. No. 3130

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the creation of DNA records for the DNA database system.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Article 102.020(a), Code of Criminal Procedure,
5 is amended to read as follows:

6 (a) A person shall pay \$250 as a court cost on conviction of
7 an offense listed in Section 411.1471(a)(1), Government Code, and
8 \$50 as a court cost on conviction of an offense described by [~~listed~~
9 ~~in~~] Section 411.1471(a)(3) of that code.

10 SECTION 2. The heading to Section 411.1471, Government
11 Code, is amended to read as follows:

12 Sec. 411.1471. DNA RECORDS OF PERSONS CHARGED WITH OR
13 CONVICTED OF CERTAIN OFFENSES [~~FELONIES~~].

14 SECTION 3. Section 411.1471(a), Government Code, is amended
15 to read as follows:

16 (a) This section applies to a defendant who [~~is~~]:

17 (1) is indicted or waives indictment for a felony
18 prohibited or punishable under any of the following Penal Code
19 sections:

20 (A) Section 20.04(a)(4);

21 (B) Section 21.11;

22 (C) Section 22.011;

23 (D) Section 22.021;

24 (E) Section 25.02;

1 (F) Section 30.02(d);

2 (G) Section 43.05;

3 (H) Section 43.25;

4 (I) Section 43.26; or

5 (J) Section 21.02;

6 (2) is arrested for a felony described by Subdivision
7 (1) after having been previously convicted of or placed on deferred
8 adjudication for an offense described by Subdivision (1) or an
9 offense punishable under Section 30.02(c)(2), Penal Code; or

10 (3) is convicted of or placed on deferred adjudication
11 for an offense punishable as a Class B misdemeanor or higher [~~under~~
12 ~~Section 21.07 or 21.08, Penal Code~~].

13 SECTION 4. The change in law made by this Act applies only
14 to an offense committed on or after the effective date of this Act.
15 An offense committed before the effective date of this Act is
16 covered by the law in effect when the offense was committed, and the
17 former law is continued in effect for that purpose. For purposes of
18 this section, an offense was committed before the effective date of
19 this Act if any element of the offense occurred before that date.

20 SECTION 5. This Act takes effect September 1, 2009.